

lifetime caps. That's the things they talk about. Four things. That's it? Do they redeem those 2,500 pages of disaster? Do they then overrule and trump the Constitution of the United States of America? I say no, Mr. Speaker. They cannot, they must not, they should not. And I hear this debate also about an increase in our deficit of the number, I think it was \$232 billion, if—not if anymore, it's when—we repeal ObamaCare.

Well, that deficit, and they want to know, Will you offset that deficit with spending cuts? Yes, sir. We will be happy to offset a deficit with spending cuts. But I would make this argument instead. When you have an unconstitutional bill in front of you, and if you're weighing \$232 billion and you want to debate whether or not that's a reason or not to repeal an unconstitutional bill. You can set no price on the Constitution of the United States of America. If it's a trillion dollars, you repeal the bill anyway because it's unconstitutional. And you don't sit back and twiddle your thumbs and wait for the court to resolve this for you. I'm glad that there's litigation going on in the judicial branch. I'm glad that Judge Hudson found with Virginia on the constitutional component of the Interstate Commerce Clause. I'm glad there are efforts out there in the States to deny the implementation of ObamaCare. All of these things going on.

But we took an oath to preserve, protect, and defend the Constitution of the United States here yesterday. We took it all in good faith. We said so. And when we have an unconstitutional bill before us, Mr. Speaker, it is our obligation to repeal that bill. Our judgment of the Constitution is not a judgment that defers across and down the line of Independence Avenue. We don't go to the Supreme Court and genuflect and say, If you change the meaning of the Constitution, my oath applies. Our oath applies to our understanding and conviction of the text in the original understanding of the Constitution and the various amendments as they were adopted. That's what the Constitution has to mean or it is no guarantee whatsoever to the people in this country.

They rose up and they changed this majority in this House, and they did so because they're a whole group of millions of constitutional conservatives, including the Tea Party groups, and they said, Enough unconstitutional activity, enough of this theft of our liberty. We are not going to pass the debt and deficit on to the succeeding generations. And it was \$230 billion was the point, not \$232 billion, to make it accurate.

But I noticed today in the Republican Study Committee that chairman JIM JORDAN read from an article written by Tony Blankley in *The Washington Times*, December 20, 2010. And it caught my ear. And so I looked it up. And I'd like to just close with this concept that was delivered by Tony Blankley shortly before Christmas this

year. He wrote about an experience in China and how they were worried that if they don't keep the growth going in China that they will create expectations and the peasants in China will be unruleable. If you give them expectations, then you have to meet those expectations. Well, we in America, we trust in our expectations.

And so he writes this. He said what happened on November 2, was that the American people went to the polls and said, I want more liberty and less government. I want more liberty and less security about my future. And he puts it in these words. And I think they're excellent words. No other people in the world would have responded to economic danger by seeking more liberty and less government protection. No other people would have thought to themselves, if I have to suffer economically in order to not steal from my grandchildren, so be it.

I pray we would have come to that decision a generation ago instead of a couple of months ago, Mr. Speaker. But this Congress has come to that decision at the direction and the effectiveness of the American people. And we will follow through on that pledge, and we'll ask them, Keep sending us more people like this freshman class to help get this job done so that in our time we can hand the keys of this Chamber and this government over to the next generation in sound fiscal fashion, sound constitutional fashion, not with diminished liberty, but with expanded liberty, and the pillars of American exceptionalism refurbished by our generation, thanks to the will of the American people.

#### REPEALING HEALTH CARE

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 30 minutes.

Mr. YARMUTH. Thank you, Mr. Speaker, and congratulations on your election.

It's a great pleasure to be here today. I could spend the next half hour responding to my colleague from Iowa. I think it's fascinating just that one comment, that he talks about reading the Constitution and then talks about how this is an unconstitutional bill. Well, obviously, he apparently stopped at article II and didn't get to article III, which stipulates that the judiciary and the Supreme Court ultimately decide what is constitutional in this country, not Members of Congress.

The Constitution was read today. I'm glad it was. It's always good to remind ourselves of this great foundational document that we all respect, that all of us—all 435 Members of the House—swore to protect and defend yesterday.

□ 1700

In the Constitution, in article I, section 5, it says each House may determine the rules of its proceedings. Yes-

terday, the Republican majority in the House put forth a group of rules changes that will determine how this Congress will operate over the next 2 years.

It was fascinating, in light of our discussion about health care, in light of our discussion about the costs of health care, that one of the things it did, these rules changes that Republicans passed, was basically to vest extraordinary power on one Member of the House of Representatives to determine essentially what the cost, what the deficit or the debt, the budget implications on a particular piece of legislation might be, and the relevance of this to the debate we are in now about the Republicans' proposal to take away all of the privileges of rights and benefits granted by the Affordable Care Act that we passed in the 111th Congress and that I was proud to support.

One of the things that it said was, if there is a vote to repeal the health care bill, the Affordable Care Act that we passed last year, that we basically decide that we don't have to abide by PAYGO rules—in other words, saying that, just because the Congressional Budget Office determined that the Affordable Care Act will save the taxpayers \$230 billion over the next 6, 7 or 8 years and then another \$1 trillion in the following 10 years, we don't have to make the same kind of adjustments that we do for other kinds of additional expenditures. The Republican philosophy is, if you reduce revenues in any way to the government, that's fine; and it doesn't affect the deficit.

Now, a lot of the debate we had in the last Congress over the health care act I heard time, after time, after time, and we heard this with tax cuts and many other things: oh, a business can't operate like this. A family can't operate like this. Well, in fact, I think, in this particular case, that analogy is really relevant because, if I have a family, a two-income family, and all of a sudden one of us loses our job and loses our income, it's really interesting that we could take the position that, oh, it didn't affect our budget, and it didn't affect the family deficit. Just that loss of revenue didn't matter. All we're concerned about is how much we spent. All we're concerned about is the expense side.

What the Republicans have basically done under this new regime, with this new set of rules that they passed yesterday, is to say that there are two separate ledgers—one dealing with expenditures, one dealing with revenue—and that they don't affect each other. It is an astounding philosophy of operation that we are about to embark on.

Under this new rule, when the Bush tax cuts for the very wealthy expire in 2 years, we would not have to account for that loss in revenue to the Federal deficit even though, when we start writing checks and we start trying to borrow money to pay for the deficit, we are going to have to come up with that money. They say, no, it doesn't affect the deficit.

If we repeal the Affordable Care Act, which the CBO says will save \$1.3 trillion over the next two decades, that's money that we aren't going to have to borrow from somebody else. They say, oh, that's not part of the budget. We don't have to compensate for that.

So it's fascinating that they basically set up these two sets of books, and now they give the power to the chairman of the Budget Committee, who in this case is Mr. RYAN of Wisconsin—a very thoughtful, honest man. You give him the power, however, to make a decision that whatever the CBO says doesn't matter. He can deem, or decide, exactly what the impact of any provision or any act of Congress is on the budget. One person.

Now, I come from Kentucky. We're a big basketball State. Last week, we had a game, a big-game rivalry. Kentucky and Louisville played. It didn't come out the way I would have liked it to. But I had to think, when we set up these rules, that would be like Louisville and Kentucky playing and saying to Coach Pitino of Louisville or Coach Calipari from Kentucky, You get to make all the calls in this game. Our players are going to play. They're going to compete hard, but Coach Pitino, we're taking the refs off the field. You're the one who's going to call fouls. You're going to make all the decisions.

That's basically what the Republicans have done.

What they also said and decided in this process is that the health care reform bill—changing it, repealing it—will have no impact on the deficit, no impact on the budget. That's fascinating because, for the last year and a half, when we debated the Affordable Care Act, they kept talking about how this was going to balloon the deficit, how it was going to explode the deficit. Trillions of dollars it was going to cost the American taxpayer. Well, now they say, No, it has no impact at all on the deficit because you have to understand, if it costs nothing to repeal it, then there was no cost to passing it.

So one has to question who has been honest in this debate. Who has been honest in this debate?

I understand that finding referees as to who is right and who is wrong and what facts are salient and which facts are accurate has been a difficult process. My colleague Mr. KING said that, you know, all of a sudden, we keep talking about this, and expect a liberal light to go on in people's heads. Well, we need some light on this subject because there have been billions and billions of dollars spent to create darkness about the impact of this bill, and that process proceeds today.

So I think, as we debate this proposal of the Republicans to do away with many of the benefits which we are so proud of and which millions of Americans are beginning to feel now, we should have the kind of discussion that is honest, that is open, and that sheds light on the subject. No one can do

that better than my colleague from the great State of Maryland, DONNA EDWARDS.

Ms. EDWARDS. Thank you for yielding, Mr. YARMUTH.

You know, as I listened to this discussion, I thought, I wonder what taxpayers are thinking about with this discussion. I wonder about those taxpayers who go to work every day but who, through no fault of their own, can't afford to buy health insurance even though they work every day and they pay taxes every day.

I thought, well, under the Affordable Care Act, indeed, for those people, we get to, you know, put a little bottom under them so they can be covered, so they can, you know, go to work and take care of their families and can also have the security of knowing that their families are going to be covered with health care.

I thought about the discussion earlier on this floor where our colleagues on the other side of the aisle talked, you know, somewhat disparagingly of the young people who maybe finish college or trade school and go to get jobs, but there is a gap in health care coverage because they've turned 22 or 23 years old. They're working for a living, doing what they need to do. They've gone to school. They've gotten trades, maybe, and they can't afford health care coverage. So their parents get to say, You know what? For all of our peace of mind and for your security, we're going to, you know, pay for that health care coverage under our plan.

Mr. Speaker, as I stand here today, I think about my son, who has just gotten a job. There was this period, and I remember when I received that notice from our health insurance company. That notice, you know, was a shocker to me because it basically said, You're done.

Had we not had this provision in the Affordable Care Act that enables parents like me and other parents around the country to have the peace of mind of being able to keep our children, our young people, our young working people on our health care plans, I don't know what working families would do out there.

Mr. Speaker, I thought also about a conversation that I'm going to share with you, a conversation with some seniors that I had, as I was spending New Year's Eve with friends. One of the seniors said to me, as we were talking about health care, You know, I have a medical condition. I'm spending thousands of dollars, and I've fallen into the doughnut hole, and it is really taking a chunk out of our pocket.

I had the privilege on December 31 of saying to this family, Do you know that, as of January 1, as of the next day, in 2011, your prescription drug that has fallen into that doughnut hole will actually receive a 50 percent discount?

□ 1710

They had no idea. I was glad to be able to share it with them. They're not

my constituents. They live in somebody else's State, but it's great to be able to share that with them. And that's the experience many of our seniors all across the country are having right now as they realize that they won't have to bear the burden of out-of-pocket costs for prescription drugs that fall through a doughnut hole because they can't afford it anymore. Their young people will be able to be covered until they're 26. If you experience domestic violence in a handful of States, that's a preexisting condition. Guess what? Insurance companies will no longer, as we move into the implementation of our health care reform bill, be able to call that a preexisting condition.

And so I will close and allow you some additional opportunity in your time, but I do want to say that it was really compelling to read the Constitution here on the floor of the House of Representatives today, and again, a very important reminder of our obligation as elected officials to look out for the general welfare of the people, and I can think of no better way to do that than making sure that we protect the health insurance, the health care that Americans have been guaranteed because of what we were able to accomplish with the Affordable Care Act.

Mr. YARMUTH. I thank the distinguished Congresswoman from Maryland for her comments, and I'm actually kind of glad that Congressman KING brought up these major benefits which are now helping families across this country.

Ms. EDWARDS talked about the benefit of adding your son or daughter under 26 to your policy, and Mr. KING basically pooh-poohed that—I don't know if that's exactly a good legislative term, but kind of ridiculed that. And then he talked about lifetime limits and how lifetime limits were not necessarily something that we should worry about in spite of the fact that almost a million Americans a year, historically, over the last few years, have gone bankrupt because they either had no insurance or their insurance was inadequate and they lost everything they had because of health care costs, because of a cancer diagnosis or serious accident. These are real-life stories. These are not abstractions.

And I understand that we have many colleagues on the other side of the aisle who believe, with almost a religious zeal, in certain things like the perfection of the marketplace, in spite of the fact that we've seen time after time after time in this country, not too long ago with the financial system, how our markets often fail, how we have created or allowed to be created enormous sources of power and concentrations of economic power in this country that have basically distorted the marketplaces, and that is very, very true in the area of health insurance.

We have many, many States in which one company, one company, one insurer will dominate the insurance market, 85, 90 percent of the insurance in

that State sold through one insurance company. That is not something that the drafters of the Constitution envisioned. So it's nice to believe in free market principles—and I think Democrats believe in free market principles as well as Republicans do—but the fact is, in real life, not in a history philosophy book or political science philosophy book, in real life markets fail, markets get distorted, and that is when the government is responsible for protecting the general welfare of the population as the Constitution says.

Because we've been joined by another colleague, we want to return to this issue of rules because, again, the budgetary rules that the Republicans have set up to govern this next Congress are creating some incredibly difficult situations for our States, our localities, and our people. And one of those areas in which this has been particularly true—and I know I've been contacted by transportation officials in Kentucky about how dangerous they think these new rules may be, and JOE COURTNEY from Connecticut has joined us to talk about that implication of the new rules that we are going to be operating under.

So I yield to gentleman from Connecticut.

Mr. COURTNEY. Thank you, Mr. YARMUTH, and I appreciate the fact that you are putting the spotlight on this issue which is really extraordinary in terms of what's just happened in the last 24 hours.

As you know and as Congresswoman EDWARDS knows, the real workhorse infrastructure transportation funding in this country is the highway trust fund. That is a mechanism which was set up by the Congress. It has a dedicated revenue source, gas taxes, and since 1998, there has been a rule which the Congress has operated under which says that the 5-year transportation plan authorized by the Congress cannot be tampered with by a bill that's brought to floor of the House. If it is, then that bill is ruled out of order. And the purpose of that is to make sure that the transportation plan, which is done on a 5-year increment, has sanctity, has consistency so that State DOT's like yours in Kentucky or Maryland or Connecticut can actually move forward on multiyear projects which, of course, most road construction, bridge construction falls into that timeline.

Well, you know, this has been the operating rules of the House since 1998. Yesterday, the Republican rule which was adopted astonishingly rescinded that protection in terms of procedure for the transportation trust fund, again, the mechanism which ensures that States get appropriate funding for highways.

So a coalition grew up over the last 3 days, including Laborers' International Union, Ironworkers, the U.S. Chamber of Commerce, the American Trucking Association, the Motorcycle Riders of America, people who actually care about making sure that our roads

and bridges have the adequate support to make sure that, again, as a growing country we are going to be able to move people and goods from one place to the other in appropriate fashion.

By the way, our competitors around the world are moving past us at Mach speed in terms of their transportation infrastructure investment.

Nonetheless, this coalition warned the new majority that this new rule was going to upset, again, the consistency which transportation funding requires. The new majority went ahead with that rule, adopted it, claims that they, in fact, were not doing that to the transportation trust fund, but interestingly, the markets say otherwise.

UBS-PaineWebber issued a downgrade to transportation construction companies on the Wall Street stock exchanges, and their stocks declined yesterday in the wake of the adoption of this rule. And again I, earlier today, submitted press accounts that describe, in fact, the sequence of what actually happened.

We are talking here about a sector of the U.S. economy that's not in a recession; it's in a depression. The construction trades right now are looking at unemployment rates of 25 percent. Rather than shrinking and inhibiting the transportation and infrastructure of this country, we should be investing in it. And let's be very clear here. There is not going to be any private investment that's going to fill the gap that's been created by undercutting the sanctity of the highway trust fund.

The fact of the matter is this is done through public dollars, and every generation going back to, really, Jefferson has understood that this is essential to have an economy that can actually thrive and grow. And as I said, we have now left the highway funding of this country subject to the whims of the annual appropriations process. That is not the type of horizon in which planning can actually take place at State DOTs, and it doesn't surprise me that the folks in Kentucky have contacted you. The people at DOT in Connecticut have certainly done the same, and all across the country. Again, management, labor, public sector groups that care about highways, they are just incredulous, particularly at this time with the weakness of this economy, that this House has adopted that type of rule.

Mr. YARMUTH. I thank the gentleman.

And reclaiming my time, the analogy I used earlier was with families, and we all know we're in a difficult budgetary situation. We know we're running huge deficits right now, and we know that the money that we are spending, a large portion of it we are borrowing because tax revenues can't support it. This Republican majority now has basically taken the position that they're going to strangle this government and put a cap on expenditures. And certainly I understand that's part of their honestly held philosophy, but if you're

a family and you've got two kids high school age and two income earners, one of them loses their job, are you going to then say under no circumstances am I going to borrow money to help pay for the college education of my two teenagers so they can have a better life and they can be prepared to meet the demands of the future; I'm just going to keep cutting expenses?

□ 1720

And that analogy seems to be working here, particularly with regard to transportation as well and the investment that we have to make.

Mr. COURTNEY. That's right. And families make that decision to make capital investments along exactly the same lines, whether it's to fix a roof, you know, put a new driveway in, buy a house. Again, that's done through financing, debt financing. And it's, again, the way that particularly the middle class kind of deals with those challenges. But there's no question that in terms of our own country's history, going back in time, again, even to the beginning of our government, even during the Civil War when the finances of this country were completely going from almost day to day, Abraham Lincoln did not pull back in terms of the need for us to invest in rail, land-grant colleges.

Again, this was in the middle of the worst conflict in the history of this country, but yet he still saw the need for us, as a Nation, to still continue to invest in the future, and we borrowed funds. Because those types of investments, investing in people through education or investing in infrastructure comes back to benefit the economy long term, and the multiplier effect is much higher than the actual pricetag of those initial investments.

Mr. YARMUTH. I thank the gentleman. Again, I go back to these rules that have been adopted now in the House, and they basically give extraordinary unprecedented power to one person to set these budget limits to decide the budgetary impact of an investment in infrastructure or a health care law, the repeal of a health care law or, for instance, the repeal of many of the advances we made in terms of education funding during the 111th Congress.

And it seems to me that, as I read through the Constitution, the Founding Fathers probably didn't anticipate that we would basically disenfranchise 434 Members of Congress in making these incredibly important decisions about how we raise revenue, which is specifically a power that has been given for initiation to the House of Representatives, or to spend tax revenue, that that kind of power would vest in one person and that you would set up a set of rules that sets up two sets of books and say, If you drop revenue, if you cut taxes, if you have a loss in revenue, that has no budget implications; but everything you spend has to be offset somewhere along the line.

And I think in terms of not just investment in infrastructure but also investment in research, medical research which probably is the real answer to our long-term health care financing costs. If we can control or cure diabetes and cancer and make an impact on heart disease, these are the things that are really going to help us in the future. But to set up these kind of rules which basically, again, disenfranchise not just 434 Members of Congress but, in the process, virtually every American citizen from the process of deciding what money should be spent and invested in some very, very important aspects of the general welfare.

And I would like to yield to the gentlewoman from Maryland, DONNA EDWARDS.

Ms. EDWARDS. I thank the gentleman for yielding. And it occurred to me as we heard this discussion—and thank you to Mr. COURTNEY for raising these issues with us, Mr. Speaker. Because it occurred to me that while we should be spending our time focused on job creation—and we know that a core for job creation for the 21st century for this country is in our investment in our transportation infrastructure, really putting people back to work. And instead, we are relitigating what the American people thought we had finished with—health care.

So here we are with a rule that then says to us, Even as the bipartisan debt commission has said that we need to invest in the Nation's infrastructure—those are investments that create jobs, jobs where taxpayers are paying into the system so that we have revenue, so that we can invest in our infrastructure—that we are going to be constrained from doing it. And I am reminded that in the last Congress, in the 111th Congress, every Member, I believe, of our Transportation and Infrastructure Committee wrote to the President of the United States saying, We need to do a long-term transportation and infrastructure bill so that our States can begin to really put people back to work. And here we are in the 112th Congress, led by the Republicans who have put forth a rules package that will constrain our ability to create jobs in this country.

Mr. YARMUTH. I thank you for that contribution. And we've also been joined by the gentleman from Tennessee, Congressman COHEN, and I would like to yield to him.

Mr. COHEN. Thank you, Mr. YARMUTH.

Indeed, the issues that Mr. COURTNEY brought forward in his 1 minute today were alarming to me because my hometown of Memphis depends upon transportation. That's what makes it America's distribution center, the roads, the rivers, the runways, and the rails. And if we don't have moneys to go into helping our airports—where Federal Express is located in my district, and in your district, Mr. YARMUTH, UPS—because that's how we move products all over the world. From those hubs, we

move commerce. And that is why it's so important that we have an FAA Reauthorization Act passed, a lot of which would be expenses to modernize the structure and the transportation bills that Mr. Oberstar, who was one of the great Members of this House but is no longer a Member, tried to get passed last year to both stimulate the economy in the short run and in the long run, as Mr. COURTNEY said, with that multiplier effect by creating jobs. It's roads that take goods to market, that move commerce, that move raw materials. And I was hoping and do hope that we will have bipartisan efforts to have transportation, FAA reauthorization bills pass that will move this economy forward.

The economy is still in a difficult spot, and we can't really see that the economy is improving if we continue to cut spending, particularly in places such as transportation, infrastructure, and the airport infrastructures. That's so important. So it was distressing news to see this happen.

It is difficult to see how we can get ourselves out of this near depression that was caused by the Bush administration with cutting spending. I know Paul Krugman has people who don't think he is correct all the time. I happen to think he is correct most of the time. And the Nobel Prize people aren't always correct. But when they gave him the Nobel Prize for economics, some of the brighter people in the world thought he was pretty good on economics. And it's his belief that we need to do more spending, and I concur with him. I would hate to see us lead this economy—it's about to get out of the ditch—put it back in the ditch.

Mr. YARMUTH. I thank you for that.

As we wind down, pursuing the analogy with families and also with small businesses, I mean, people legitimately borrow money, and businesses legitimately borrow money for two reasons. One is for survival, to eat, to pay salaries if you are a small business. And they borrow money for investments. We have plenty of investments that we can make in this country that are desperately needed. Infrastructure being one, education being another, medical research being a third category.

And we basically have been told by the Republicans that there is no basis, no justification for spending any more money. And because we're in a deficit situation, borrowing more money—except when it comes to giving tax breaks for very, very wealthy Americans, millionaires, billionaires hedge fund managers, and the like, that's okay. We can do that, and we can balloon the national debt to do that, but we can't do it to help people, to provide people's health care, to invest in needed infrastructure, to invest in the things that will make this American economy the kind of economy that we will all be proud of, that will work for everyone, that will truly live up to the ambitions of the Founding Fathers when they wrote the Constitution that

we read today, to create a more perfect union. That's what we are all about. And we'll continue, as Democrats and now as Members of the loyal opposition in this body, anyway, to fight for the kind of balanced and intelligent investment and restraint of spending that will get us to the world that we all envision.

So I thank my colleagues for joining me today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

#### ISSUES FACING THE 112TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address the House on this historic day, this historic day when we have had the entire body read the Constitution of the United States. As that process went on, there was some wonderment in the audience about why we were doing it and what it would mean. But as I listened to the different bipartisan Members reading the Constitution, I felt a gravity come through the institution that we began to listen to and hear and read the words of our Founding Fathers as they set us on this great experiment called the American Republic, the Republic which was turned loose for the first time, a government of the people, by the people, and for the people.

□ 1730

And on this historic day, we have to contemplate what our tasks are as they lie ahead. For myself, I see the most important thing in front of us as being economic growth, jobs; and we have to wonder what we're going to do about that.

As I traveled around the district, after the election, we did—we have 18 counties, and we did 18 different town hall meetings, listening to the people of the district after the election. And the overriding concern is what are we going to do about jobs and what are we going to do about the economic future of the country.

I think people are alarmed at the policies that they have seen come out of Washington. They're alarmed at the spending. They're angry that Washington has not been listening, and they're just upset with the policies in general.

The last election sent two very clear messages: number one, you, in Washington are not listening to us; number two is that we don't like what you've been doing.

So, as we contemplate the future, we have to try to get our hands around the